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EXAMINER

HUYNH, SON P.

ART UNIT PAPER NUMBER

2611

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/646,192

Applicant(s)

WATSON ET AL.

Examiner

Son P. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) 60, 62 and 64-68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-59, 61, 63 and 69-82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/02/03 and 05/03/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 13, 23-24, 27, 31, 50-51, 53-55, 57-58, 65-66, 68, 70-71, 73-75, 77-79 are objected to because of the following informalities:

In claim 13, lines 2-3, the term "to permit viewing by a use is an official release date for the new release" should be changed to - to permit viewing by a user is an official release date for the new release.

In claim 23, lines 6-7, the limitation "the remote device" should be replaced as- the remote hardware device.

In claim 27, line 1, the term "are available fro" should be replaced as – are available for.

In claim 31, line 1, the term "available fro" should be replaced as- available for.

In claims 50-51, 53-55, 57-58, line 1, recites "the method of claim" should be replaced as – the system of claim.

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Claims 65-66 recites "the method of claim 63" (line 1) should be replaced as – the method of claim 64 (as confirmed by Applicant's representative Margo Maddux).

Claims 70, 71 recites "the method of claim 68" (line 1) should be replaced as- the method of claim 69.

Claims 73-75 recites "the method of claim 71" (line 1) should be replaced as- the method of claim 72.

Appropriate correction is required.

***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-59, 61, 63, 69-82, drawn to a system for automatically store movie broadcast from the content provider into a storage device at set top box, classified in class 725, subclass 87.
  - II. Claims 60,62, drawn to a method for displaying data on the window that permitting a remote user to view a showcasing, classified in class 725, subclass 44.
  - III. Claims 64-68, drawn to method of broadcasting and recording audio content to a hardware device, classified in class 386, subclass 39.

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The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as the method of displaying information on the screen can be used in other area such as displaying advertisements on screen. See MPEP § 806.05(d).

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as the method of broadcasting and recording audio content can be used in other area such as audio recording system. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Applicant's representative Margo Maddux (Reg. No. 50,962) on June 10, 2005 a provisional election was made with traverse to prosecute the invention of group I, claims 1-59,61,63,69-82. Affirmation of this election

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must be made by applicant in replying to this Office action. Claims 60,62,64-68 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

During the telephone conversation, Applicant's representative further confirmed:

Claims 65 and 66 depend on claim 64;

Claims 70-71 depend on claim 69;

Claims 73-75 depend on claim 72.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-10,12-42, 49, 52, 56, 59, 61, 63, 69, 71-77, 79-82 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunter et al. (US 2002/0056118).

Regarding claim 1, Hunter discloses a system wherein the movies are selected to be recorded in a storage of the user station either by the user or by content provider and/or

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system operator (par. 0130-par. 0139). Therefore, hereinafter, movies data stored in the user station is referred to as selected by the content provider and/or system operator.

Hunter further discloses the user is able to playback to movie by selecting a title associated with the movie (par. 0147). Thus, the claimed method of broadcasting a movie to a set top box is met by Hunter's disclosure as follow:

the claimed feature of "a content provider broadcasting via wireless telecommunication over a television frequency spectrum at least one movie to a set top box, the movie being selected by the content provider and not by the user" is broadly met by content provider and/or data transmission provider broadcasting via satellite network a movie to user station, the movie is automatically record by content provider and/or system operator (figures 11, 23, par. 0012-par. 0013; par. 0139);

the claimed feature of "permitting storage of the movie broadcast from the content provider in the set top box without interaction by the user" is met by automatically download the movie into customer storage module of the user station by the system operator (par. 0139, par. 0147).

Regarding claim 3, Hunter further discloses, "re broadcasting movie data previously broadcast to ensure that the entire movie is received by the set top box" (par. 0119, par. 0213-par. 0216).

Regarding claim 4, the claimed method of broadcasting a movie to a set top box is met by Hunter's disclosure as follow:

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“a content provider broadcasting movie data to a set top box, the content of the movie data being selected by the content provider” is met by the content provider and data transmission system broadcasting movie data to the user station, the content of the movie data automatically selected by the content provider and/or system operator (par. 0139);

“permitting automatic storage of the movie data broadcast from the content provider onto the set top box” is met by the automatically download the movie data from the content provider and data transmission provider onto storage module of the user station (par. 0139);

“permitting assembling the movie data in the set top terminal to form at least one full movie and associated metadata” is broadly met by assembling movie data in the user terminal to form a movie associated with movie title, category, header information, etc. (par. 0074-par. 0076; par. 0139.);

“permitting analysis of the metadata to determine when to make the movie available of viewing” is met by analyzing the header information to alert the customer that the recording are available (par. 0139, par. 0217);

“permitting viewing of the movie in response to a user’s selection of the movie” is met by user select a movie title to view the movie associated with the selected title (par. 0128, par. 0151).

Regarding claim 5, Hunter further discloses permitting viewing occurs upon agreement to charge the user a fee for viewing the selected movie (par. 0128, lines 30-43).



Regarding claim 6, Hunter further discloses the movies are available to the customer over a period of time (par. 0141), and the movie remains in storage for a minimum period of time (par. 0144). Inherently, associated metadata comprises information such as time stamp which determine begin and end dates for permitted movie viewing.

Regarding claim 7, Hunter further discloses the movie selected by the user is available for viewing for a limited of time (e.g. 24 hour – par. 0161)

Regarding claim 8, Hunter further discloses the movie selected by the user is available for viewing for a limited number of times (e.g. three plays – par. 0161).

Regarding claim 9, the additional limitation as claimed corresponds to the additional limitation as claimed in claim 3, and are analyzed as discussed with respect to the rejection of claim 3.

Regarding claim 10, the limitations correspond to the limitations of claim 4 are analyzed as discussed in the rejection of claim 4. Hunter further discloses the content provider and/or system operator automatically record the movie into storage module of the user station. The graphical user interface alerts the customer that the recordings are available (par. 0139) reads on the claimed feature of “making selected movie available for viewing by the user at a time predetermined by the content provider, the selected

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movie having previously been stored on the set top box. Hunter further discloses the movies are available to the customer over a period of time before they are overwritten or deleted (par. 0141; par. 0144, par. 0147) reads on the claimed feature of "effecting removal of the movie data representing one or more movies stored on the set top box at a time determined by the content provider."

Regarding claim 12, Hunter further discloses the movie data comprises audio and video to from a movie and associated metadata, wherein the metadata indicates time predetermined (scheduling data) by the content provider to make the movie available for viewing by the user (par. 0065).

Regarding claim 13, Hunter further discloses the movie is a new release (par. 0013) and the claims feature of "the time predetermined by the content provider to permit viewing by the use is an official release date for the new release" is broadly met by the time/date indicates the availability of the recorded movies for playback— par. 0013).

Regarding claim 14, Hunter further discloses the movie data is broadcast to the set top box using standard files transfer protocols (e.g. MPEG-2, par. 0121).

Regarding claims 15-16, the additional limitation as claimed corresponds to the additional limitation as claimed in claims 9, 5 respectively, and are analyzed as discussed with respect to the rejection of claims 9 and 5.

Regarding claim 17, Hunter discloses a method for broadcasting a movie to a set top box, the method comprising:

a content provider (content provider and/or data transmission provider) broadcasting movie data to a set top box (user station), the content of the movie data being selected by the content provider (par. 0012, par. 0139);

permitting automatic storage of the movie data broadcast from the content provider onto the set top box (automatically download the movie data on the storage module of user station – par. 0139).

Regarding claim 18, Hunter discloses a method of broadcasting movie data to a set top box (user station) for storage and subsequently viewing, the method comprising:

selectively broadcast data wirelessly from a content provider to a set top box (movie data are selected and automatically downloaded to storage module of user station by content provider and/or system operator – par. 0139);

content provider and/or system operator alerts the customer that the recordings are available (par. 0139, par. 0147) reads on the claimed feature of “remotely controlling when to make data available for viewing by the user”;

content provider and/or system operator control period of time the movie data remain in the storage before they are overwritten or deleted(par. 0144, par. 0147) reads on the claimed feature of “remotely controlling when to remove that data from the set top box.”

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Regarding claim 19, the claimed feature of “permitting the user to select when to view selected data during an available access time, the user selectively viewing the data one on one or more television sets, and the set top box being a unit separate from the one or more television set” is broadly met by the user select a recorded movie on the list to view on television set (32) wherein the user station (228) being separate from the television (32) – figure 11, par. 0013).

Regarding claim 20, Hunter further discloses wherein payment for a permitted viewing of the data is made by the user through a separate telephone line (38- figure 11, par. 0151).

Regarding claim 21, Hunter further discloses selectively broadcasting data permits the content provider to determine the data to be broadcast wirelessly to the set top box (content provider/data transmission provider selects data to be broadcast over satellite according to the movie preferences of the customer – figure 11, par. 0139-par. 0142).

Regarding claim 22, Hunter further discloses the data is broadcast by encoding data onto standard broadcast television signals (e.g. MPEG-2 – par. 0169).

Regarding claim 23, Hunter teaches a method of content management for a remote hardware device (user station), the method comprising:

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collecting content to be transmitted to a remote hardware device (collecting movie data to be transmitted to the user station – par. 0012);

generating metadata specifying various properties of the content (generating header information, price, scheduling data, etc. for the movie – par. 013, figure 11);

associating the metadata with the content (associating scheduling data, price, etc. with the movie – figures 11-12, par. 0013-0014).

transmitting the content and its associated metadata to the remote hardware device (transmitting the movie data and its price, scheduling data, etc. to the user station – figures 11, 15, par. 0061);

permitting automatic storage of data received at the remote device (automatically download the movie data- par. 0139);

providing software for operating on the remote hardware device to process the metadata and manage the content according to its associated metadata (providing software for operating on the user station to process metadata such as scheduling data, price data, header information, etc. so that the movie associated with the selected data to be playback/recorded – par. 0065-par. 0075, par. 0139).

Regarding claim 24, Hunter discloses the customer is alerted that the recordings are available (par. 0139). The movie data is recorded with a limited date (par. 0161).

Inherently, the metadata comprises information indicating when to make content available to the viewer and when to remove content from the remote hardware device.

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Regarding claim 25, the additional limitation as claimed corresponds to the additional limitation as claimed in claim 3, and are analyzed as discussed with respect to the rejection of claim 3.

Regarding claim 26, Hunter teaches a method for providing movies available for purchase or rental directly to remote viewers through broadcast communication (figure 11), the method comprising:

providing a view with a set top box (228), the set top box having a hard drive (230) for storing a plurality of movies (figure 11 and par. 0138);

broadcasting movie data to the set top box and allowing movie data to accumulate on the hard drive (figure 11, par. 0138-par. 0139);

providing software resident on the set top box, the software being programmed to: automatically store the movie data broadcast to the set top box (figure 11, par. 0139, par. 0083);

assembling the movie data broadcast into a plurality of viewable movies and associated metadata (forming the list of available movies so that the user can select an associated information to view the movie - par. 0083-par. 0089, par. 0148);

analyzing the metadata to determine when a movie should be made available (analyzing header information to indicate alerts to customer that the recordings are available – par. 0139, par. 0147, par. 0161);

allowing the user to select the available movie when available (par. 0147-par. 0151).

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Regarding claim 27, Hunter further discloses the movies are available for a predetermined limited time (e.g. 24 hours, one week, etc.) and thereafter are essentially removed by the broadcaster (par. 0144, par. 0161).

Regarding claim 28, Hunter further discloses the movies are encrypted thereby to limit the availability in at least one of the following: being copied multiple times, being viewed more than once, or being viewed or copied other than when predetermined criteria are met (par. 0138, lines 20-21; par. 0150, par. 0163).

Regarding claim 29, the additional limitation as claimed corresponds to the additional limitation as claimed in claim 22, and are analyzed as discussed with respect to the rejection of claim 22.

Regarding claim 30, the limitations of the method of creating a digital home movie library correspond to the limitations of the method for broadcasting movies in claim 10, and are analyzed as discussed with respect to the rejection of claim 10. Furthermore, Hunter discloses broadcasting the movies using satellite (figure 11). Thus, the provider broadcast the movies to plurality of set top boxes. Hunter further discloses providing a plurality of movies (par. 0139). Thus, a plurality of full movies is formed.

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Regarding claims 31-36, the limitations as claimed correspond to the limitations as claimed in claims 27-29,20-21,30 respectively, and are analyzed as discussed with respect to the rejections of claims 27-29,20-21 and 30.

Regarding claims 37, the method as claimed is broader in scope than the method as claimed in claim 26 wherein the limitation of "official release date for the movie" corresponds to the available date of the movie in claim 26, and therefore, are analyzed as discussed in the rejection of claim 26.

Regarding claim 38, the method of renting a movie to a remote user as claimed is met by Hunter's disclosure as follow:

"transmitting electronically a plurality of movies to a set top box located with the user, the movies comprising a selection of movies essentially similar to hard copies of movies at a local movie rental store" is met by transmitting via satellite plurality of movies to set top box located with the user so that the consumer can pay the movie after it has been viewed- par. 0013-0019);

"automatically storing the electronic form of the broadcast plurality of movies on the set top box" is met by automatically recording

Regarding claim 39, Hunter further discloses wirelessly broadcasting the movies through a datacast television broadcast system (figure 11).



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Regarding claim 40, Hunter further discloses transmitting via the Internet (figure 11, paragraph 0098-par. 0101).

Regarding claim 41, Hunter further discloses the system reads on the claimed limitations as follow:

antenna 24 and tuner(s) in the user station (228) for receiving broadcast signal – figure 11, paragraphs 0128-0129- read on the claimed feature of “an antenna and tuner for receiving broadcast signal”;

storage module 230 (figure 11, par. 0128-0138) reads on the claimed “a hard disk drive...”;

CPU/CODEC (figures 2, 11, par. 0128 ) reads on the claimed feature of “a processor....” wherein the claimed “control condition” is met by decrypting the movies once the viewer is authorized to access the movie (par. 0128-0139).

Regarding claim 42, Hunter further discloses a modem (figures 4, 11) permit electronic billing of the user for access of the library.

Regarding claim 49, the limitations of the method as claimed correspond to the limitations of method as claimed in claim 1, and are analyzed as discussed with respect to the rejection of claim 1. Hunter further discloses the movie is received through an antenna (24- figure 11).

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Regarding claims 52, 56, 59, the limitations as claimed correspond to the limitations as claimed in claims 4, 10, 18 and are analyzed as discussed with respect to the rejection of claims 4, 10, 18.

Regarding claims 61 and 63, the additional limitations as claimed correspond to the limitations as claimed in claim 49, 54, and are analyzed as discussed with respect to the rejection of claim 49, 54.

Regarding claims 69, 71-75, the limitations as claimed correspond to the limitations as claimed in claims 1, 3-5, 7, 9, and are analyzed as discussed with respect to the rejection of claims 1, 3-5, 7, 9.

Regarding claim 76, Hunter further discloses modem (87- figure 4 or billing module 240/Internet access interface 235 – figure 11) reads on the claimed modem, wherein the feature of "periodical permit contact with the content provider" is met by video distribution system operator periodically receives viewed-content information for billing (par. 0103, lines 16-19).

Regarding claim 77, Hunter further discloses information passed between the content provider and the set top via the modem includes at least one of a user's viewing/rental history, access information used for billing purposes, keys used to decrypt videos (figures 10-11, par. 0103).

Regarding claim 79, Hunter further discloses the hard drive in the set top box stored pay per view program and the CPU of the set top box controls the operation of the hard drive (figures 4, 11, par. 0128) broadly reads on the claimed feature of "the hard drive is physically mated with the set top box structure for security purposes thereby rendering it useless for its intended storage purpose if removed for intended use apart from the set top box"

Regarding claim 80, Hunter further discloses broadcast movies to a set top box for storage and subsequent viewing the movies (0128), 0138-0139), wherein the videos stored on the set top box are encrypted (paragraphs 0128,0138,0150), and upon selection of a video to view and satisfaction of business rules (e.g. pay to view video), the set top box permits the video to be decrypted and played (page 9, left col. lines 8-13).

Regarding claim 81, Hunter discloses the movies are periodically transmitted to user station for and are stored in a storage device (par. 0128). The code keys A, B, C that used to decrypt and playback the movie (par. 0079-par. 0083). Since these code keys are transmitted and stored at the user station, the set top box (user station) is not necessarily connected to the content provider after the video is stored, and prior to allowing a video to be viewed, the video being capable of independent decryption by

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electronic keys (code keys A,B,C) on the set top box along with the current account status.

Regarding claim 82, Hunter further discloses logging a decryption of a movie and using this log to determined a user's bill (par. 0089-par. 0096; par. 0061).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 2002/0056118) as applied to claim 10 above.

Regarding claim 11, Hunter discloses a method as discussed in claim 10. Hunter further discloses the broadcast provider controls downloading of movie into the storage device, and controls the available time of the downloaded movies (par. 0139). A skilled person in the art can select any time before making the stored movie available depend on the capability and characteristics of the transmission medium, device limitations, times, operator's desire. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hunter to include storing the movie to

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be any time period such as at least one day, and preferably about a week, before making the movie available for viewing so long as the time desired is limited to the capability and/or characteristics of the transmission medium and/or device limitations and/or operator desire to improve efficiency of movie services.

Regarding claim 78, Hunter discloses a system as discussed in the rejection of claim 75. Hunter further discloses a processor (CPU) plays a video and reacts to signals from a remote control, and modem activity (figures 4, 11, par. 0072-par. 0076). However, Hunter does not specifically disclose simultaneously plays a video and reacts to signal from a remote control. Office Notice is taken that simultaneously play a video and reacts to signal from a remote control is well known in the art. For example, playing a video on video window of PIP screen while reacts to user navigation the EPG window. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hunter with the well-known teaching in the art in order to allow the system to performs multiple functions simultaneously thereby provide more convenience to the user.

8. Claims 2 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 2002/0056118) and in view of Ellis et al. (US 2004/0117831).

Regarding claim 2, Hunter discloses a method as discussed in the rejection of claim 1. Hunter further discloses the graphical user interface alerts the customer that the

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recordings are available by a cue such as "YOU"VE GOT FLICKS" (par. 0139), and permitting viewing of the recorded movie by a user (par. 0128). However, Hunter does not specifically disclose the alert is displayed once the entire movie is received.

Ellis discloses when the recording is complete, the program guide may notify the user that the program has been recorded and is available for viewing (par. 0149) reads on the claimed feature of "indicating that the movie is available for viewing once the entire movie has been received on the set top box." Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hunter to use the teaching as taught by Ellis in order to reduce interrupting of the movie selected to playback.

Regarding claim 70, the additional limitation as claimed corresponds to the additional limitation as claimed in claimed 2, and is analyzed as discussed with respect to the rejection of claim 2.

9. Claims 43- 48, 51, 53-55, 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 2002/0056118) and in view of Maruo (US 6,757,909).

Regarding claim 43, The limitations that correspond to the limitations of claim 41, are analyzed as discussed with respect to the rejection of claim 41. Hunter further discloses the user pay to access the recorded movie (par. 0139). However Hunter does not

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specifically disclose a smart card secured to a circuit board of the receiver, the smart card facilitating a dedicated use of the receiver with a designated user.

Maruo disclose a smart card 525 is inserted/coupled into interface card 530 of the receiver (col. 8, lines 47-61; col. 11, lines 10-22) reads on the claimed feature of “a smart card secured to a circuit board of the receiver”. The smart card stores the information needed by a cable system operator or digital broadcast system operator to bill a subscriber for services used by the subscriber. Typically, smart card also implements a scramble key provided by the MSO that is used to descramble digital broadcast signal (col. 8, lines 47-61). Necessarily, the smart card facilitates a dedicated use of the receiver with a designated user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hunter to use the teaching as taught by Maruo in order to improve convenience for user to pay the bill and reduce unauthorized user to access pay per view program.

Regarding claim 44, the additional limitation as claimed corresponds to the additional limitation as claimed in claim 42, and is analyzed as discussed with respect to the rejection of claim 42.

Regarding claim 45, Maruo further disclose the intelligent transceiver (reads on the claimed set top box) comprises a tuner for operation with a monitor (TV – figure 6). The tuner receives broadcast signal via a wireless transmission (e.g. a satellite broadcast –

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col. 7, lines 35-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made that an antenna (for receiving signal from wireless transmission) is a part of a set top box in order to simplify network connection and reduce the cost of the cable between the antenna and the tuner in the set top box.

Regarding claim 46, Hunter in view of Maruo discloses a system as discussed in the rejection of claim 45. Maruo further disclose the smart card is coupled in different manners to the transceiver reads on the claimed feature of "an integral fastening of an active component of a smart card to a circuit board of the set top box thereby impede removal, and enhance the security of the set top box.

Regarding claim 47, Maruo further discloses POD 520 for inserting a smart card (col. 11, lines 17-20, figure 5B) reads on the claimed feature of "a secondary external smart card slot for use with another smart card in case the system becomes compromised."

Regarding claim 48, Maruo further discloses the smart card is coupled with the intelligent transceiver in different manners (col. 8, lines 55-61). It is obvious to one of ordinary skill in the art that the smart card is fastened to a main board of the set top box with epoxy in order to improve security of the smart card, and furthermore, reduce unauthorized user to access the data.



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Regarding claims 51, 53-55, 57-58, the additional limitations as claimed correspond to the additional limitations as claimed in claims 3, 5, 7-8, 15-16, and are analyzed as discussed with respect to the rejections of claims 3,5,7-8,15-16.

10. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 2002/0056118) and in view of Maruo (US 6,757,909) as applied to claim 48 above, and further in view of Ellis et al. (US 2004/0117831).

Regarding claim 50, Hunter in view of Maruo discloses a system as discussed in the rejection of claim 48. Hunter further discloses the graphical user interface alerts the customer that the recordings are available by a cue such as "YOU'VE GOT FLICKS" (par. 0139), and permitting viewing of the recorded movie by a user (par. 0128).

However, neither Hunter nor Maruo disclose the alert is displayed once the entire movie is received.

Ellis discloses when the recording is complete, the program guide may notify the user that the program has been recorded and is available for viewing (par. 0149) reads on the claimed feature of "indicating that the movie is available for viewing once the entire movie has been received on the set top box." Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hunter and Maruo to use the teaching as taught by Ellis in order to reduce interrupting of the movie selected to playback.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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SPH  
June 22, 2005



CHRIS GRANT  
PRIMARY EXAMINER